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7 *Attorneys for Plaintiff*

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 JON M. McCREARY, Individually and on  
12 Behalf of All Others Similarly Situated,

13 Plaintiff,

14 vs.

15 CELERA CORP., KATHY P. ORDOÑEZ,  
16 WILLIAM G. GREEN, RICHARD H.  
17 AYERS, JEAN-LUC BÉLINGARD, GAIL  
18 K. NAUGHTON, WAYNE I. ROE, PETER  
19 BARTON HUTT, BENNETT M. SHAPIRO,  
20 QUEST DIAGNOSTICS, INC. and SPARK  
21 ACQUISITION CORPORATION,

22 Defendants.

23 Case Number: CV-11-1618-SC

24 **PLAINTIFF JON M. McCREARY'S  
25 NOTICE OF MOTION AND MOTION  
26 FOR A PRELIMINARY INJUNCTION  
27 AND EXPEDITED DISCOVERY**

28 Judge: Hon. Samuel Conti

Hearing Date: May 27, 2011  
Hearing Time: 10:00 a.m.  
Ctrm: 1, 17<sup>th</sup> Floor

Date Action Filed: April 1, 2011

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on a date and time to be determined by the Court, located at  
3 450 Golden Gate Avenue, San Francisco, California, in Courtroom 1, 17<sup>th</sup> Floor, plaintiff Jon M.  
4 McCreary (“Plaintiff”), will move the Court for an Order granting a preliminary injunction to enjoin  
5 the shareholder vote, currently set for April 25, 2011, and ordering expedited discovery, concerning  
6 the proposed acquisition of Celera Corp. (“Celera”) by Quest Diagnostics, Inc. (“Quest”) for \$8.00  
7 per share in cash, representing an aggregate deal value of approximately \$671 million.

8 Plaintiff’s Motion is based upon this instant Notice of Motion and Motion, the  
9 Memorandum of Points and Authorities filed in support herewith, the supporting Declaration of  
10 Juan E. Monteverde, and all papers previously filed herein as well as such other papers, evidence,  
11 materials and argument as the Court may consider.

12 Dated: April 5, 2011

**FARUQI & FARUQI, LLP**

13 By: /s/Vahn Alexander  
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